

Applicant : Draper  
Serial Number : 10/606695  
Amendment in Response to Office Action of 03/09/2004

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REMARKS

The Examiner's Office Action of 03/09/2004 has been reviewed.

The Examiner's comment with regard to the parent application, now issued, is noted. The related application information has been updated on the first paragraph of Page 2 by amendment herein.

The Examiner's objections with regard to Figure 4 and the specification, Page 14, are noted. It is noted that the amendment to the specification and the new formal sheet of drawings submitted herewith to include the modified Figure 4 overcome all grounds of objection in these regards.

The Examiner has then rejected Claim 1 "under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of copending Application No. 10/606,688. . . a provisional double patenting rejection". Submitted herewith is a terminal disclaimer directed in a provisional manner with regard to co-pending application Serial No. 10/606,688. This rejection is traversed. Note is taken that a careful review of Claim 1 of the subject pending application differs from Claim 1 of the co-pending application Serial No. 10/606,688. Note the descriptive matter of "the lower end of the pump subassembly further having an inner guard" described in lines 3 through 7 on Page 26 of Claim 1 of the

instant application which is not described in the co-pending application.

The Examiner has then rejected Claim 1 "under the judicially created doctrine of double patenting over claim 1 of U.S. Patent No. 6,688,877" and "under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,688,877". Submitted herewith is a terminal disclaimer. It is deemed that these rejections are not well taken in view of the terminal disclaimer submitted herewith and associated remarks herein.

The Examiner has rejected Claims 2 - 6 "under 35 U.S.C. 103(a) as being unpatentable over FR '898 (FR 544898) in view of Hanje et al and Yang (U.S. Patent No.-5702239)." In this rejection, in combining these references the Examiner alleges that these claims are directed solely to a pump. Such is not well taken. It is urged that these claims are directed to a lantern with a pump utilizing a liquid fuel with a double O-ring pump for the fuel. The claims have been amended to bring out such differences in language to define patentable subject matter.

It is deemed that applicants' invention, as presently claimed, in light of the amendments herein, defines patentable subject matter and constitutes a distinct advantage over the technology of the prior application which was co-pending with the

present application and over the co-pending application which was filed on the same date as the instant application. More specifically, the present application is significantly different from all lanterns prior to applicants' invention. The present application also differs from the invention of applicants' co-pending application in that the present invention features a double O-ring pump for the fuel. Applicants' co-pending application features a single O-ring pump. In association therewith, the safety shield shown in Figures 10, 10A, 10B, 10C, 10D, 10E, and 11 is positionable over the fuel valve to dissipate the heat with apertures and notches and raised areas to extend the surface area for heat dissipation. Such an arrangement was not clearly anticipated with as many of the variations of the safety shield of the present application. Consequently, applicants' protection should be afforded to be extended over the variations in the safety shield as set forth in the specification and claims of the instant application. Further the submission of terminal disclaimers herewith will preclude applicant from improperly extending his monopoly from a chronological standpoint.

In summary then, it is urged that applicants' invention is new, not being disclosed by the prior art, whether alone or in combination. Applicants' invention is useful as a significant

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step forward in lanterns and it is urged that applicants' invention is unobvious over the prior art, whether taken alone or in combination.

Reconsideration and a notice of allowance are hereby requested.